

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,324,269 to Malik ("Malik"). By this amendment, Applicants amend claims 1-11 and 13-17. Claims 1-18 are pending.

Applicants respectfully traverse the rejection of claims 1-18 under 35 U.S.C. § 102(e) as being anticipated by *Malik*. In order to properly establish that *Malik* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, recites a method including, for example, "receiving from the first device speech information voiced by the user; deriving first information regarding the second device from the speech information; . . . and . . . forwarding [a] call from the first switch to a second switch using the first information." *Malik* does not disclose at least these elements of Applicants' claimed invention.

Malik discloses: "[T]he method and the system...make[] long distance telephone calls appear as if they originated in the caller's home. A caller who makes a long distance telephone call from his office, for example, may simply call his home number

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

and then dial the third party's number. The call is routed through his home telephone line and connected directly to the calling party" (emphasis added) (col. 1, lines 57-66).

Malik also discloses that the "subscriber [may] dial[] his home phone telephone number. . . [service control point] instructs the switch to play a message to the subscriber to determine whether the call should be routed to a number in the destination list . . . if the caller specifies [for the call to be routed], the call is routed" (emphasis added) (col. 2, lines 56-61, see also col. 3, lines 5-10). *Malik* similarly discloses that the "subscriber [may] provide[] the destination number to the switch" (emphasis added) (col. 9, lines 30-31).

Even assuming that the "subscriber" or "caller" and the "third party's number" or "destination number" of *Malik* could correspond to the claimed "user" and "first information . . . regarding the second device," respectively, none of "dial[ing] the party's third number," "specify[ing]" for the caller/subscriber to be routed to a number in the destination list, or "provide[ing] the destination number to the switch" as disclosed by *Malik*, can constitute "receiving . . . speech information voiced by the user [and] deriving first information regarding the second device from the speech information" (emphasis added) as recited in claim 1. Moreover, no other portion of *Malik* describes this claim element.

Accordingly, *Malik* cannot anticipate claim 1. Independent claims 7 and 13, though of different scope than claim 1, recite language similar to that discussed above with respect to claim 1 and are allowable over *Malik* for at least the same reasons as claim 1. Claims 2-6, 8-12, and 14-18 depend from claims 1, 7, and 13, respectively,

and are thus allowable over *Malik* for at least the same reasons as claims 1, 7, and 13.

Applicants respectfully request that this Amendment be entered by the Examiner, placing claims 1-18 in condition for allowance. In the alternative, the proposed amendments at least place the application in better form for appeal.

In view of the foregoing remarks, Applicants respectfully request entry of the amendment, reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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